

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CHEETAH OMNI LLC,

Plaintiff,

v.

**ALCATEL-LUCENT USA INC.,
ALCATEL-LUCENT HOLDINGS, INC.,
CIENA CORPORATION, CIENA
COMMUNICATIONS, INC., FUJITSU
NETWORK COMMUNICATIONS, INC.,
TELLABS, INC., TELLABS
OPERATIONS, INC., TELLABS NORTH
AMERICA, INC., NOKIA SIEMENS
NETWORKS US LLC, FUTUREWEI
TECHNOLOGIES, INC.**

Defendants.

Civil Action No. 6:11-cv-390 (LED)

**DEFENDANT ALCATEL-LUCENT USA INC.'S
DISCLOSURE OF REBUTTAL TRIAL WITNESSES**

Pursuant to the Court's January 3, 2012 Order (Dkt. No. 107), Defendant Alcatel-Lucent USA Inc. ("Alcatel-Lucent") hereby identifies to plaintiff Cheetah Omni LLC ("Cheetah") the rebuttal trial witnesses it may call live or by deposition.

Alcatel-Lucent's identification of rebuttal witnesses is based on its assessment of the case at this time, without the benefit of the Court's rulings on various matters, including on summary judgment, *Daubert* challenges, motions *in limine*, and claim construction. Alcatel-Lucent also does not know the nature and/or scope of the testimony and evidence that Cheetah intends to present to support its claims and defenses. Accordingly, Alcatel-Lucent reserves the right to modify, amend and/or supplement these disclosures based on case developments, including but not limited to the right to: (1) not call some or all of the witnesses identified below; (2) call live or by deposition at trial any witness identified on the witness lists provided by Cheetah or the other Defendants, as well as any witnesses necessary to authenticate or lay the foundation for the introduction of documents to which any opposing party objects (including but not limited to custodians of records); (3) disclose additional witnesses to testify live or by deposition; and/or (4) introduce deposition testimony as impeachment evidence. Alcatel-Lucent further notes that its identification of any witness herein is not an admission that the witness's testimony would be admissible if proffered by Cheetah. Alcatel-Lucent reserves the right to cross-examine any witness called to testify by any opposing party or any other party, regardless of whether they are disclosed on this witness list, including without limitation by counter-designation of proffered deposition testimony.

1. Witnesses Alcatel-Lucent Will Call Live or Via Deposition

Witness Name	Employer, Address, and Telephone No.	Topic(s) of Testimony
Edward Englehart	Alcatel-Lucent USA Inc.	Technology, marketing and sales, and financials for the accused products; Alcatel-Lucent corporate background.
Dr. Jack Kelly	CoAdna Photonics	Technology, operation, and components of CoAdna Photonics Wavelength Selective Switches.
Dr. Paul Colbourne	JDS Uniphase Corporation	Technology, operation, and components of JDS Uniphase Wavelength Selective Switches.
Dr. Mohammed Islam	Cheetah Omni LLC	Conception, reduction to practice and prosecution of patents-in-suit; prior art to the patents-in-suit; value of alleged invention, laches, alleged damages.
Dr. Joseph Ford	University of California, San Diego	Non-infringement and invalidity of and prior art and non-infringing alternatives to U.S. Patent Nos. 6,882,771 and 7,116,862.
Dr. Jung-Chih Chiao	The University of Texas at Arlington	Non-infringement of and non-infringing alternatives to U.S. Patent Nos. 6,856,459 and 6,940,647.
Dr. Keith Goossen	University of Delaware	Invalidity of and prior art to U.S. Patent Nos. 6,856,459 and 6,940,647.
W. Christopher Bakewell	Duff & Phelps, LLC	Alleged Damages.

2. Witnesses Alcatel-Lucent May Call Live or Via Deposition

Witness Name	Employer, Address, and Telephone No.	Topic(s) of Testimony
James Watt	Alcatel-Lucent Canada Inc.	Technology, marketing and sales, and financials for the accused products; Alcatel-Lucent corporate background.

Dr. Larry Fabiny	Finisar Corp.	Non-infringing alternatives.
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Dated: September 30, 2013

Respectfully submitted,

By: /s/ Robert F. Perry, with permission by
Michael E. Jones

Robert F. Perry
rperry@kslaw.com
Allison H. Altersohn
aaltersohn@kslaw.com
KING & SPALDING LLP
1185 Avenue of the Americas
New York, New York 10036
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

Laura S. Huffman (*pro hac vice*)
lhuffman@kslaw.com
KING & SPALDING LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309-3521
Telephone: (404) 572-4600
Facsimile: (404) 572-5100

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON PC
110 North College
Suite 500
Tyler, Texas 75702
Tel: 903-597-8311
Fax: 903-593-0846

**ATTORNEYS FOR DEFENDANT
ALCATEL-LUCENT USA INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 30, 2013.

/s/ Michael E. Jones